

1 REMARKS

2 Status of the Claims

3 Claims 1, 4, 5, 21, 24, 29-38 and 44-53 are pending in the present application, Claims 2, 8-20,
4 25-28 and 39-42 having been previously canceled, Claims 3, 6, 7, 22, 23, and 43 having been
5 currently canceled herein, and new Claims 49-53 having been added herein. Claims 1, 5, 21, 29, 44,
6 45, 47 and 48 have been amended to place the case in condition for allowance, by incorporating
7 patentable subject matter identified by the Examiner into the pending claims.

8 Patentable Subject Matter

9 The Examiner has indicated that Claims 3-6, 22-23, 29-32, 34-38 and 43-46 are patentable. The
10 Examiner has indicated that the prior art of record (Danylewych-May) fails to teach or fairly suggest
11 comprising a spotting nozzle; the regenerable solid collection surface is part of an impaction plate; a
12 fluorescence detector; a dichroic mirror; an excitation filter or emission filter; a brush, pad, wheel, nozzle,
13 blade, means for electrostatically charging, or means for directing energy as a means for regenerating the
14 regenerable solid collection surface, a processor, and an alarm in combination with the remaining features
15 and elements of the claimed invention.

16 Accordingly, applicants are placing all of the pending claims in condition for allowance by
17 amending the rejected independent claims to incorporate patentable subject matter identified by the
18 Examiner, and by submitting additional independent claims that incorporate the patentable subject matter
19 identified by the Examiner. The new independent claims represent rewriting objected to dependent claims
20 in independent form.

21 Independent Claim 1 has been amended to include the patentable subject matter of dependent
22 Claim 6 (i.e., the fluorescence detector and excitation source).

23 Independent Claim 21 has been amended to include the patentable subject matter of dependent
24 Claim 22 (i.e., the step of inertial impacting).

25 Independent Claim 47 has been amended to include the patentable subject matter of dependent
26 Claims 31 and 32 (i.e., specific steps for regenerating the regenerable solid collection surface).

27 Independent Claim 48 has been amended to include the patentable subject matter of dependent
28 Claim 43 (i.e., the additional element of a particle counter).

29 New independent Claim 49 includes the general recitation of independent Claim 1, plus the
30 patentable subject matter of dependent Claim 3 (i.e., the spotting nozzle).

1 New independent Claim 50 includes the general recitation of independent Claim 1, plus the
2 patentable subject matter of dependent Claim 32 (i.e., specific means for regenerating the regenerable solid
3 collection surface).

4 New independent Claim 51 includes the general recitation of independent Claim 21 plus the
5 patentable subject matter of dependent Claim 23 (i.e., the biological signature comprises an
6 autofluorescence).

7 New independent Claim 52 includes the general recitation of independent Claim 1, plus the
8 patentable subject matter of dependent Claim 35 (i.e., a processor configured to implement specific
9 functions).

10 New independent Claim 53 includes the general recitation of independent Claim 1, plus the
11 patentable subject matter of dependent Claim 36 (i.e., a processor configured to implement specific
12 functions).

13 Claims Rejected Under 35 U.S.C. § 102(b)

14 Claims 1, 7, 21, 24, 33, and 47 have been rejected under 35 U.S.C. § 102(b) as being anticipated
15 by U.S. Patent No. 5,859,375 (Danylewych-May).

16 As noted above, applicants have amended independent Claims 1, 21, and 47 by incorporating
17 patentable subject matter identified by the Examiner into the pending claims. Accordingly, amended
18 independent Claims 1, 21, and 47 distinguish over the cited art and should be allowed.

19 Claims 7 and 33 depend from Claim 1, while Claim 24 depends on Claim 21. Dependent claims
20 inherently are patentable for at least the same reasons as the claims from which they depend, thus the
21 rejection of dependent Claims 7, 24, and 33 should also be withdrawn.

22 Claims Rejected Under 35 U.S.C. § 103(a)

23 Claim 48 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No.
24 3,572,128 (Hemeon).

25 As noted above, applicants have amended independent Claim 48 by incorporating patentable
26 subject matter identified by the Examiner. Accordingly, Claim 48 as amended distinguishes over the
27 cited art and should be allowed.

28 In consideration of the amendment to the claims and the Remarks set forth above, it is applicants'
29 position that all claims in the current application are patentable over the art of record. The Examiner is
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1 thus requested to pass this case to issue without further delay. In the event that any other issues remain,
2 the Examiner is invited to telephone applicants' attorney at the number listed below.

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4 Respectfully submitted,

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8 Registration No. 44,832
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